



ARKANSAS JUDICIARY

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Order 2. Dockets and Other Records

(a) **Docket.** The clerk shall keep a book known as a "civil docket," designated by the prefix "CV"; a book known as a "probate docket," designated by the prefix "PR"; a book known as a "domestic relations docket," designated by the prefix "DR"; a book known as a "criminal docket," designated by the prefix "CR"; and a book known as a "juvenile docket," designated by the prefix "JV". Each action shall be entered in the appropriate docket book. Cases shall be assigned the letter prefix corresponding to that docket and a number in the order of filing. Beginning with the first case filed each year, cases shall be numbered consecutively in each docket category with the four digits of the current year, followed by a hyphen and the number assigned to the case, beginning with the number "1". For example:

criminal	CR2002-1
civil	CV2002-1
probate	PR2002-1
domestic relations	DR2002-1
juvenile	JV2002-1

All papers filed with the clerk, all process issued and returns thereon, all appearances, orders, verdicts and judgments shall be noted chronologically in the dockets and filed in the folio assigned to the action and shall be marked with its file number. These entries shall be brief, but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process. The entry of an order or judgment shall show the date the entry is made. Where there has been a demand for trial by jury it shall be shown on the docket along with the date upon which demand was made. In counties where the county clerk serves as the ex officio clerk of any division of the circuit court, the filing requirement for any pleading, paper, order, judgment, decree, or notice of appeal shall be satisfied when the document is filed with either the circuit clerk or the county clerk.

(b) **Judgments and Orders.**

(1) The clerk shall keep a judgment record book in which shall be kept a correct copy of every final judgment or appealable order, or order affecting title to or lien upon real or personal property, and any other order which the court may direct to be kept.

(2) The clerk shall denote the date and time that a judgment, decree or order is filed by stamping or otherwise marking it with the date and time and the word "filed." A judgment, decree or order is entered when so stamped or marked by the clerk, irrespective of when it is recorded in the judgment record book.

(3) If the clerk's office has a facsimile machine, the clerk shall accept facsimile transmission of a judgment, decree or order filed in such manner at the direction of the court. The clerk shall stamp or otherwise mark a facsimile copy as filed on the date and time that it is received on the clerk's facsimile machine during the regular hours of the clerk's office or, if received outside those hours, at the time the office opens on the next business day. The date stamped on the facsimile copy shall control all appeal-related deadlines pursuant to Rule 4 of the Arkansas Rules of Appellate Procedure - Civil. The original judgment, decree or order shall be substituted for the facsimile copy within fourteen days of transmission.

(4) At any time that the clerk's office is not open for business, and upon an express finding of extraordinary circumstances set forth in an order, any judge may make any order effective immediately by

signing it, noting the time and date thereon, and marking or stamping it "filed in open court." Any such order shall be filed with the clerk on the next day on which the clerk's office is open, and this filing date shall control all appeal-related deadlines pursuant to Rule 4 of the Arkansas Rules of Appellate Procedure - Civil.

(c) **Indices.** Suitable indices of the civil, probate, domestic relations, criminal, and juvenile dockets and of every judgment or order referred to in Section (b) of this rule shall be kept by the clerk under the direction of the court.

(d) **Other Books and Records.** The clerk shall also keep such other books and records as may be required by law and as directed by the Supreme Court.

(e) **Uniform Paper Size.** All records prepared by the clerk shall be on 8 1/2" x 11" paper.

(f) **Clerk Defined.** When used herein, the term clerk refers to the clerks of the various circuit courts of the state; provided, that in the event probate matters are required by law to be filed in the office of county clerk, then the term clerk shall also include the county clerk for this limited purpose.

Comment Text:

Publisher's Notes. This order supersedes ARCP 79.

The May 15, 1989 Per Curiam read: "In our per curiam order of December 19, 1988, we suspended our earlier order on the subject of doing away with the practice of abstracting the record for appeal and substituting a practice by which the parties would submit an appendix or appendices. We took that action because we wished to examine the possibility of changing from the use of legal size paper to letter size paper in all the courts, and we became aware that unless the changes occurred at the same time, appendices would likely be composed of paper of a different size from that of any brief we might permit to be filed, and that appendices might be composed of documents of varying paper sizes. The accompanying possible handling and storage problems made it seem a good idea to put off the changes until we had sought the recommendation of our Committee on Rules of Pleading, Practice, and Procedure (Civil).

"We have now received a recommendation from the committee along with suggestions as to the rules which should be revised to accomplish the change in paper size.

"In addition to the committee's recommendations, we have studied those submitted by lawyers, judges, law firms, and lawyers' associations submitted in response to our earlier request for comments on the basic rules we proposed for the purpose of moving to the system of appendices rather than abstracts. Many of those suggestions have been implemented in the amendments we publish today.

"As we noted in our per curiam order of October 17, 1988, on this subject, we wish to have a trial period. These amendments will become effective this date; however, any case in which the appellant's brief is submitted or becomes due between now and December 31, 1989, may be presented in accordance with the rules in effect up until today. That will give this court sufficient time to observe the new practice. If we choose to retain the new system, we will be able to make that decision prior to the publication of the 1989 revision of the Rules Book which accompanies the Arkansas Code Annotated. The rules requiring appendices rather than abstracts may then be made permanent.

"During the trial period an appellant will be in the position of choosing the manner in which the briefs will be presented. If the appellant chooses to present a brief with an appendix rather than an abstract, then the appellee will be required to proceed in accordance with the new rules. If the appellant chooses to work under the abstract system, the appellee will do so also.

"While we may well decide, depending on the results of the trial period, to retain the abstracting practice, we will make permanent the changes with respect to paper size and doing away with printed briefs. Judges, clerks, lawyers, court reporters and others thus will have until January 1, 1990, to prepare to present all legal documents on 8 1/2" by 11" paper.

"The purposes of these changes are to decrease the cost of appellate litigation, increase the ease and accuracy of the evaluation of cases at the appellate level, and provide uniformity as well as compatibility with the age of the word processor in the case of the paper size. We acknowledge and appreciate the comments we received from members of the bench and bar, and we count on continued cooperation as we evaluate the appendix system."

The October 2, 1989 Per Curiam read: "By per curiam order of May 15, 1989, we published changes of court rules necessary to implement a system of appeals using appendices rather than abstracts of record. The order also provided for a change to a uniform 8 1/2" by 11" paper size to be used in all courts. The order provided that the changes with respect to paper size would come into effect January 1, 1990. The other changes having to do with using appendices rather than abstracts of record on appeal went into effect on May 15, 1989, but permitted an appellant to choose to follow the rules in effect until that date for cases in which the appellant's brief was submitted or became due between May 15, 1989, and December 31, 1989.

"We have reviewed the appeals now ready for submission and those which will be ready prior to December 31, 1989. Most appellants have chosen to follow the old rules. We have concluded we will not be able to decide the relative merits of the two methods by the end of this year because we will have had too little experience with appendices. The trial period is, therefore, extended until July 15, 1990. Any case in which the appellant's brief is submitted or becomes due prior to July 15, 1990, may be presented in accordance with the rules in effect up until May 15, 1989.

"The paper size changes are not affected by this order. All courts will begin using 8 1/2" by 11" paper no later than January 1, 1990."

The June 10, 1991 Per Curiam read: "On and after August 1, 1991, all briefs submitted to the Supreme Court and the Court of Appeals will be accompanied by abstracts of record, as provided in Arkansas Supreme Court and Court of Appeals Rule 9. We will no longer accept briefs including appendices.

"The Per Curiam Order by which we created a trial period for experimental changes in our Rules was issued May 15, 1989, entitled, "In re: Amendments to the Arkansas Rules of Civil Procedure, the Arkansas Rules of Appellate Procedure, the Arkansas Supreme Court Administrative Orders, the Rules of the Arkansas Supreme Court and Court of Appeals, and the Inferior Court Rules." In that Order we made it clear that the rules changes having to do with the appendix experiment were adopted on a trial basis but that the changes no longer allowing printed briefs and establishing uniform paper size were to be permanent. We hereby revoke the changes, other than those having to do with printed briefs and paper size, which provided for submitting appendices rather than abstracts. We retain the changes with respect to paper size.

"The reason for ending the appendix experiment at this time is that we have found that it adds to the difficulty of, and time consumed in, reading briefs. If our case load and that of the Court of Appeals were not so great, we would be less willing to revert entirely to the abstracting system. Given the numbers of cases we must decide to remain current with our docket, however, we cannot tolerate the additional work we find the appendix system to have caused.

"The experiment with the appendix system began with our Per Curiam Order of October 17, 1988, creating a trial period for testing the new system which, with one intermission and two extensions, was to end March 1, 1991. As was expected, there were difficulties in adapting to the change. The main one from our perspective was the problem of expansion of the statement of the case, with appropriate appendix references, to an extent which would save members of the Court from having to scour the appendix for factual details.

"If we find a way to bring our case load and that of the Court of Appeals within reason, we may return to the appendix system, with some revisions, because we continue to wish to implement the goals stated in our original order. We would like our system to be as inexpensive and simple as possible. Under other circumstances we will be able to exercise the patience required to permit lawyers and litigants to become accustomed to the change and to fine tune it with revisions."

The first 1999 amendment of this Rule added the subdivision (1) and (2) designations in (b); in (b)(2), added the second sentence; and added (b)(3) and (4). New subdivision (b)(3) provides that judgments, decrees, and orders may be filed with the clerk by facsimile transmission if the court so directs. New subdivision (b)(4) addresses emergency situations when an order needs to be effective immediately, but the clerk's office is not open. This amendment to subsection (b) of Administrative Order No. 2 became effective June 24, 1999.

The second 1999 amendment to this order substituted "four digits" for "the last two digits" in the second sentence of subsection (a). This change was necessitated by the coming of the year 2000. Instead of two digits (9901) for the docket year, the case number will be four digits (2000-1). This amendment to subsection (a) of Administrative Order No. 2 became effective January 1, 2000.

Addition to Reporter's Notes (1999): - Subdivision (c)(2) of this rule does not authorize the filing of judgments, decrees or orders by facsimile transmission. However, Administrative Order No. 2(b), as amended in 1999, requires any clerk's office with a facsimile machine to "accept facsimile transmission of a judgment, decree or order filed in such manner at the direction of the court." The faxed judgment, decree or order is effective when entered by the clerk. To ensure the permanency of official court records, the original judgment, decree or order must be substituted for the facsimile copy within 14 days of transmission, but this step does not have any bearing on the effectiveness of the faxed document or the time for taking an appeal.

Addition to Reporter's Notes (2000): - The second paragraph of this rule provides that a judgment or decree "is effective only when ... set forth [on a separate document] and entered as provided in Administrative Order No. 2." As amended in 1999 [effective 1/1/00], Administrative Order No. 2(b) provides that a judgment, decree or order is "entered" when stamped or otherwise marked by the clerk with the time and date and the word "filed," irrespective of when it is recorded in the judgment book. When the clerk's office is not open for business, and upon an express finding of extraordinary circumstances, an order is effective immediately when signed by the judge. Such order must be filed with the clerk on the next day on which the clerk's office is open, and this filing date controls all appeal-related deadlines.

The amendment to Administrative Order No. 2(b) also requires any clerk's office with a facsimile machine to "accept facsimile transmission of a judgment, decree or order filed in such manner at the direction of the court." The faxed judgment, decree or order is effective when entered by the clerk. To ensure the permanency of official court records, the original judgment, decree or order must be substituted for the facsimile copy within 14 days of transmission, but this step does not have any bearing on the effectiveness of the faxed document or the time for taking an appeal.

History Text:

History. Adopted December 21, 1987, effective March 14, 1988; amended May 15, 1989; amended July 17, 1989; amended October 12, 1989; amended January 22, 1998; amended June 24, 1999; amended December 9, 1999, effective January 1, 2000; amended May 24, 2001, subsections (a)-(e) effective January 1, 2002, subsection (f) effective July 1, 2001; amended March 13, 2003; amended February 10, 2005

Associated Court Rules:

Administrative Orders

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